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FILED

LODGED

ORIGINAL

MAR 31 2004 DJ

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

8 UNITED STATES DISTRICT COURT  
9 FOR THE WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 EQUAL EMPLOYMENT OPPORTUNITY )  
12 COMMISSION, )

13 Plaintiff,

14 v.

15 QPM AEROSPACE INC.,

16 Defendant.

CV4 • 677p

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

17 NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil  
19 Rights Act of 1991 to correct an unlawful employment practice based on retaliation and to provide  
20 appropriate relief to Thuy D. Nguyen ("Mr. Nguyen") who was adversely affected by such practice.  
21 The Equal Employment Opportunity Commission (the "Commission") alleges that defendant  
22 retaliated against Mr. Nguyen because he engaged in protected EEO activity, complaining about  
23 racial harassment, when defendant terminated him. Plaintiff seeks monetary and injunctive relief,  
24 including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of  
25 Mr. Nguyen.



04-CV-00677-CMP

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See answer (vs Gov't) Supp

JURISDICTION AND VENUE

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2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343  
3 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII  
4 of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title VII"), and  
5 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

6 2. The employment practice alleged to be unlawful was committed within the  
7 jurisdiction of the United States District Court for the Western District of Washington.

PARTIES

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9 3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the  
10 United States of America charged with the administration, interpretation and enforcement of Title  
11 VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C.  
12 §2000e-5(f)(1).

13 4. At all relevant times, defendant QPM Aerospace, Inc., incorporated in the State of  
14 Washington, has continuously been a corporation doing business in the State of Washington and has  
15 continuously had at least 15 employees.

16 5. At all relevant times, defendant QPM Aerospace, Inc. has continuously been an  
17 employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and  
18 (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

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20 6. More than thirty days prior to the institution of this lawsuit, Thuy Nguyen filed a  
21 charge with the Washington State Human Rights Commission and the Equal Employment  
22 Opportunity Commission, alleging violations of Title VII by defendant, QPM Aerospace, Inc. All  
23 conditions precedent to the institution of this lawsuit have been fulfilled.

24 7. From at least November 13, 2002, defendant QPM Aerospace, Inc. engaged in an  
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1 unlawful employment practice at its Auburn, Washington facility in violation of § 704(a) of Title  
2 VII, 42 U.S.C. § 2000c-3(a). Defendant affected the terms and conditions of Mr. Nguyen's  
3 employment by terminating him in retaliation for his participation in protected EEO activity,  
4 including the filing of internal complaints of racial harassment.

5 8. The effect of the practice complained of in paragraph 7 above has been to deprive Mr.  
6 Nguyen of equal employment opportunities and otherwise adversely affect his status as an employee.

7 9. The unlawful employment practice complained of in paragraph 7 above was  
8 intentional.

9 10. The unlawful employment practice complained of in paragraph 7 above was done  
10 with malice or with reckless indifference to the federally protected rights of Mr. Nguyen.

11 PRAYER FOR RELIEF

12 Wherefore, the Commission respectfully requests that this Court:

13 A. Grant a permanent injunction enjoining defendant, its officers, successors, agents,  
14 assigns, and all persons in active concert or participation with it, from engaging in any employment  
15 practice constituting retaliation based on a person engaging in protected EEO activity, e.g., opposing  
16 a discriminatory employment practice and/or participating in the informal and/or formal  
17 discrimination charge process.

18 B. Order defendant to institute and carry out policies, practices, and programs which  
19 provide equal employment opportunities for all employees, and which eradicate the effects of its past  
20 and present unlawful employment practice.

21 C. Order defendant to make whole Mr. Nguyen by providing appropriate back pay with  
22 prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to  
23 eradicate the effects of its unlawful employment practice.

24 D. Order defendant to make whole Mr. Nguyen by providing compensation for past and  
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1 future pecuniary losses resulting from the unlawful employment practice described in paragraph 7  
2 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

3 E. Order defendant to make whole Mr. Nguyen by providing compensation for past and  
4 future nonpecuniary losses resulting from the unlawful practice complained of in paragraph 7 above,  
5 including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to  
6 be determined at trial.

7 F. Order defendant to pay Mr. Nguyen punitive damages for its malicious and reckless  
8 conduct described in paragraph 7 above, in amounts to be determined at trial.

9 G. Grant such further relief as the Court deems necessary and proper in the public  
10 interest.

11 H. Award the Commission its costs of this action.

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JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 31st day of March, 2004.

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